



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2022-N019; FXES11130200000-223-FF02ENEH00]

### Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, please submit your written comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** *Document availability:* Request documents by phone or email: Marty Tuegel 505-248-6651, [marty\\_tuegel@fws.gov](mailto:marty_tuegel@fws.gov).

*Comment submission:* Submit comments by email to [fw2\\_te\\_permits@fws.gov](mailto:fw2_te_permits@fws.gov). Please specify the permit application you are interested in by number (e.g., Permit Record No. PER1234567).

**FOR FURTHER INFORMATION CONTACT:** Marty Tuegel, Supervisor, Environmental Review Division, 505-248-6651. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

## **Background**

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

## **Permit Applications Available for Review and Comment**

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to

influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit Record Number	Applicant	Species	Location	Activity	Type of Take	Permit Action
PER0039279	Rylander, Rebecca; New Braunfels, Texas	Golden-cheeked warbler ( <i>Setophaga chrysoparia</i> )	Texas	Presence/absence surveys, habitat assessment	Harass, harm	Renew
PER0039146	Blanchard Environmental Consulting; Durango, Colorado	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> )	Arizona, Colorado, New Mexico, Utah	Presence/absence surveys	Harass, harm	Renew
PER0039271	Johnson, Matthew; Flagstaff, Arizona	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> )	Arizona, New Mexico, Texas, Utah	Presence/absence surveys, nest monitoring	Harass, harm	Renew
PER0036913	Olsson Associates; Oklahoma City, Oklahoma	Neosho mucket ( <i>Lampsilis rafinesqueana</i> )	Oklahoma, Kansas	Presence/absence surveys	Harass, harm	Amend
PER0037862	Terry, Adam; Doboll, Texas	Red-cockaded woodpecker ( <i>Picoides borealis</i> )	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas	Presence/absence surveys, monitoring, capture, banding	Capture, harass, harm	Renew
PER0038126	EcoPlan Associates, Inc.; Mesa, Arizona	Spikedace ( <i>Meda fulgida</i> ), loach minnow ( <i>Tiaroga cobitis</i> )	Arizona	Presence/absence surveys	Harass, harm	Amend

## **Public Availability of Comments**

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## **Authority**

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

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**Amy L. Lueders,**  
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*U.S. Fish and Wildlife Service.*

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